

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Before the court is the Kishner Defendants and Defendant Maryland Square, LLC's Motion to Reconsider the Court's Order Denying Further Stay of Proceedings and Entry of the Scheduling Order (Dkt. #133). Plaintiff filed a Joinder (Dkt. #134).

In a prior Order (Dkt. #128) the court denied the parties' request for an extension of time to submit a status report which also requested that these proceedings remain stayed. The parties indicated that the mediation which prompted the initial stay was held November 5-6, 2013, and stated that "possible further mediation in February 2014 is being discussed . . . but no date has been set." The court found that the parties' statement that a possible further mediation in February 2014 was being discussed was not good cause for further delay of these proceedings. The case is now a year old and a discovery plan and scheduling order had not yet been entered because of the parties' request to stay pending private mediation. The court therefore denied the request and entered a standard 180-day discovery plan and scheduling order measured from the date of the order.

Counsel for Defendants filed a further Status Report (Dkt. #129) in which the other parties Joined (Dkt. ##130, 132). The status report and this motion provide considerably more information enabling the court to assess the reasonableness of the parties' request. Counsel represents that the first

1 series of mediation sessions were highly successful, and serious health issues precluded counsel for the  
2 Trust Defendants from reporting the status of the mediation by the initial deadline. Another round of in  
3 person mediation sessions have been scheduled for March 13-4, 2014 in San Diego, California. The  
4 parties therefore request reconsideration of the denial of the motion to extend the stay and that they  
5 need not conduct discovery while they attempt to settle this case.

6 Having reviewed and considered the matter,

7 **IT IS ORDERED** that:

- 8 1. Defendants' Motion to Reconsider the Court's Order Denying Further Stay of  
9 Proceedings and Entry of the Scheduling Order (Dkt. #133) is **GRANTED**.
- 10 2. The parties' request for a further stay is **GRANTED** to the extent the stay is extended  
11 until March 28, 2014.
- 12 3. The parties shall have until March 28, 2014, to submit a joint status report advising the  
13 court whether the mediation has resulted in a resolution of this case, and if so, the time  
14 frame for drafting appropriate settlement documents, exchanging any settlement  
15 proceeds, and filing the stipulation for dismissal with the court.
- 16 4. If the mediation has not resulted in a resolution, the parties shall submit a proposed  
17 discovery plan and scheduling order which will enable the court to set this matter for  
18 trial within three years of the date of filing as contemplated by the Civil Justice Reform  
19 Act.

20 Dated this 2nd day of January, 2014.

21   
22 Peggy A. Lee  
23 United States Magistrate Judge